

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 702
92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation and Motor Vehicles, April 24, 2003, with recommendation that the House Committee Substitute for House Bill No. 702 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

2112L.03C

AN ACT

To repeal sections 302.225, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, and 577.054, RSMo, and to enact in lieu thereof fifteen new sections relating to commercial drivers' licenses, with penalty provisions and an effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 302.225, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, and 577.054, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 302.225, 302.302, 302.309, 302.700, 302.725, 302.726, 302.735, 302.740, 302.755, 302.756, 302.760, 577.054, 1, 2, and 3, to read as follows:

302.225. 1. Every court having jurisdiction over offenses committed under sections 302.010 to 302.780, or any other law of this state, or county or municipal ordinance, regulating the operation of vehicles on highways **or any other offense in which the commission of such offense involves the use of a motor vehicle, including felony convictions**, shall, within [ten] **seven** days thereafter, forward to the [Missouri state highway patrol, or at the written direction of the Missouri state highway patrol, to the] department of revenue, in a manner approved by the director of the department of public safety a record of any plea or finding of guilty of any person in the court for a violation of sections 302.010 to 302.780 or for any moving traffic violation under the laws of this state or county or municipal ordinances. The record related to offenses involving alcohol, controlled substances, or drugs shall be entered in the Missouri uniform law enforcement system records. **The director of revenue shall enter the conviction information into the appropriate computer systems and transmit the conviction information as required**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

13 **in 49 CFR, part 384, or as amended by the Secretary of the United States Department of**
 14 **Transportation.** The record of all convictions involving the assessment of points as provided
 15 in section 302.302 and convictions involving a commercial motor vehicle as defined in section
 16 302.700 furnished by a court to the [highway patrol and not to the] department of revenue shall
 17 be forwarded by the [highway patrol] **department of revenue** within fifteen days of receipt to
 18 the [director of revenue] **Missouri state highway patrol.**

19 2. Whenever any person is convicted of any offense or series of offenses for which
 20 sections 302.010 to 302.340 makes mandatory the suspension or revocation of the license of such
 21 person by the director of revenue, the circuit court in which such conviction is had shall require
 22 the surrender to it of all licenses, then held by the person so convicted, and the court shall within
 23 [ten] **seven** days thereafter forward the same, together with a record of the conviction, to the
 24 director of revenue.

25 3. No [municipal judge or] municipal **administrative** official shall have power to revoke
 26 any license.

302.302. 1. The director of revenue shall put into effect a point system for the
 2 suspension and revocation of licenses. Points shall be assessed only after a conviction or
 3 forfeiture of collateral. The initial point value is as follows:

4 (1) Any moving violation of a state law or county or municipal or federal traffic
 5 ordinance or regulation not listed in this section, other than a violation of vehicle equipment
 6 provisions or a court-ordered supervision as provided in section 302.303 2 points
 7 (except any violation of municipal stop sign ordinance where no accident is involved
 8 1 point)

9 (2) Speeding In violation of a state law 3 points
 10 In violation of a county or municipal ordinance 2 points

11 (3) Leaving the scene of an accident in violation of section
 12 577.060, RSMo 12 points
 13 In violation of any county or municipal ordinance 6 points

14 (4) Careless and imprudent driving in violation of subsection 4 of section
 15 304.016, RSMo 4 points
 16 In violation of a county or municipal ordinance 2 points

17 (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection
 18 1 of section 302.020:

19 (a) For the first conviction 2 points
 20 (b) For the second conviction 4 points
 21 (c) For the third conviction 6 points
 22 (6) Operating with a suspended or revoked license prior to restoration of operating

- 23 privileges 12 points
24 (7) Obtaining a license by misrepresentation 12 points
25 (8) For the first conviction of driving while in an intoxicated condition or under the
26 influence of controlled substances or drugs 8 points
27 (9) For the second or subsequent conviction of any of the following offenses however
28 combined: driving while in an intoxicated condition, driving under the influence of controlled
29 substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent
30 or more by weight 12 points
31 (10) For the first conviction for driving with blood alcohol content eight-hundredths of
32 one percent or more by weight In violation of state law 8 points
33 In violation of a county or municipal ordinance or federal law or regulation 8 points
34 (11) Any felony involving the use of a motor vehicle 12 points
35 (12) Knowingly permitting unlicensed operator to operate a
36 motor vehicle 4 points
37 (13) For a conviction for failure to maintain financial responsibility pursuant to county
38 or municipal ordinance or pursuant to section 303.025, RSMo 4 points
39 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
40 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
41 302.020, when the director issues such operator a license or permit pursuant to the provisions
42 of sections 302.010 to 302.340.
43 3. An additional two points shall be assessed when personal injury or property damage
44 results from any violation listed in subsection 1 of this section and if found to be warranted and
45 certified by the reporting court.
46 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
47 section constitutes both a violation of a state law and a violation of a county or municipal
48 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
49 offense arising out of the same occurrence could be construed to be a violation of subdivisions
50 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
51 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
52 offenses arising out of the same occurrence.
53 5. The director of revenue shall put into effect a system for staying the assessment of
54 points against an operator. The system shall provide that the satisfactory completion of a
55 driver-improvement program or, in the case of violations committed while operating a
56 motorcycle, a motorcycle-rider training course approved by the director of the department of
57 public safety, by an operator, when so ordered and verified by any court having jurisdiction over
58 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a

59 violation committed in a commercial motor vehicle as defined in section 302.700 **or a violation**
60 **committed by an individual who has been issued a commercial driver's license or is**
61 **required to obtain a commercial driver's license in this state or any other state**, shall be
62 accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision
63 (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the
64 purposes of this subsection, the driver-improvement program shall meet or exceed the standards
65 of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a
66 violation which occurred during the operation of a motorcycle, the program shall meet the
67 standards established by the director of the department of public safety pursuant to sections
68 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider
69 training course shall not be accepted in lieu of points more than one time in any thirty-six-month
70 period and shall be completed within sixty days of the date of conviction in order to be accepted
71 in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions
72 of this subsection shall, within fifteen days after completion of the driver-improvement program
73 or motorcycle-rider training course by an operator, forward a record of the completion to the
74 director, all other provisions of the law to the contrary notwithstanding. The director shall
75 establish procedures for record keeping and the administration of this subsection.

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,
2 the director of revenue shall return the license to the operator immediately upon the termination
3 of the period of suspension and upon compliance with the requirements of chapter 303, RSMo.

4 2. Any operator whose license is revoked pursuant to these sections, upon the
5 termination of the period of revocation, shall apply for a new license in the manner prescribed
6 by law.

7 3. (1) All circuit courts or the director of revenue shall have jurisdiction to hear
8 applications and make eligibility determinations granting limited driving privileges. Any
9 application may be made in writing to the director of revenue and the person's reasons for
10 requesting the limited driving privilege shall be made therein.

11 (2) When any court of record having jurisdiction or the director of revenue finds that an
12 operator is required to operate a motor vehicle in connection with any of the following:

- 13 (a) A business, occupation, or employment;
- 14 (b) Seeking medical treatment for such operator;
- 15 (c) Attending school or other institution of higher education;
- 16 (d) Attending alcohol or drug treatment programs; or
- 17 (e) Any other circumstance the court or director finds would create an undue hardship
18 on the operator;

19

20 the court or director may grant such limited driving privilege as the circumstances of the case
21 justify if the court or director finds undue hardship would result to the individual, and while so
22 operating a motor vehicle within the restrictions and limitations of the limited driving privilege
23 the driver shall not be guilty of operating a motor vehicle without a valid license.

24 (3) An operator may make application to the proper court in the county in which such
25 operator resides or in the county in which is located the operator's principal place of business or
26 employment. Any application for a limited driving privilege made to a circuit court shall name
27 the director as a party defendant and shall be served upon the director prior to the grant of any
28 limited privilege, and shall be accompanied by a copy of the applicant's driving record as
29 certified by the director. Any applicant for a limited driving privilege shall have on file with the
30 department of revenue proof of financial responsibility as required by chapter 303, RSMo. Any
31 application by a person who transports persons or property as classified in section 302.015 may
32 be accompanied by proof of financial responsibility as required by chapter 303, RSMo, but if
33 proof of financial responsibility does not accompany the application, or if the applicant does not
34 have on file with the department of revenue proof of financial responsibility, the court or the
35 director has discretion to grant the limited driving privilege to the person solely for the purpose
36 of operating a vehicle whose owner has complied with chapter 303, RSMo, for that vehicle, and
37 the limited driving privilege must state such restriction. When operating such vehicle under such
38 restriction the person shall carry proof that the owner has complied with chapter 303, RSMo, for
39 that vehicle.

40 (4) The court order or the director's grant of the limited driving privilege shall indicate
41 the termination date of the privilege, which shall be not later than the end of the period of
42 suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the
43 director, and a copy shall be given to the driver which shall be carried by the driver whenever
44 such driver operates a motor vehicle. The director of revenue upon granting a limited driving
45 privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall
46 carry a copy of the limited driving privilege while operating a motor vehicle. A conviction
47 which results in the assessment of points pursuant to section 302.302, other than a violation of
48 a municipal stop sign ordinance where no accident is involved, against a driver who is operating
49 a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points
50 are assessed to the person's driving record. If the date of arrest is prior to the issuance of the
51 limited driving privilege, the privilege shall not be terminated. The director shall notify by
52 ordinary mail the driver whose privilege is so terminated.

53 (5) Except as provided in subdivision (6) of this subsection, no person is eligible to
54 receive a limited driving privilege who at the time of application for a limited driving privilege
55 has previously been granted such a privilege within the immediately preceding five years, or

56 whose license has been suspended or revoked for the following reasons:

57 (a) A conviction of violating the provisions of section 577.010 or 577.012, RSMo, or any
58 similar provision of any federal or state law, or a municipal or county law where the judge in
59 such case was an attorney and the defendant was represented by or waived the right to an
60 attorney in writing, until the person has completed the first thirty days of a suspension or
61 revocation imposed pursuant to this chapter;

62 (b) A conviction of any felony in the commission of which a motor vehicle was used;

63 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),
64 (6), (7), (8), (9), (10) or (11) of section 302.060;

65 (d) Because of operating a motor vehicle under the influence of narcotic drugs, a
66 controlled substance as defined in chapter 195, RSMo, or having left the scene of an accident as
67 provided in section 577.060, RSMo;

68 (e) Due to a revocation for the first time for failure to submit to a chemical test pursuant
69 to section 577.041, RSMo, or due to a refusal to submit to a chemical test in any other state, if
70 such person has not completed the first ninety days of such revocation;

71 (f) Violation more than once of the provisions of section 577.041, RSMo, or a similar
72 implied consent law of any other state; **or**

73 (g) [Disqualification of a commercial driver's license pursuant to sections 302.700 to
74 302.780, however, nothing in this subsection shall prevent a person holding a commercial
75 driver's license who is suspended or revoked as a result of an action occurring while not driving
76 a commercial motor vehicle or driving for pay, but while driving in an individual capacity as an
77 operator of a personal vehicle from applying for a limited driving privilege to operate a
78 commercial vehicle, if otherwise eligible for such limited privilege; or

79 (h)] Due to a suspension pursuant to subsection 2 of section 302.525 and who has not
80 completed the first thirty days of such suspension, provided the person is not otherwise ineligible
81 for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525
82 if such person has not completed such revocation.

83 **(6) No person who possesses a commercial driver's license shall receive a limited**
84 **driving privilege issued for the purpose of operating a commercial motor vehicle if such**
85 **person's driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing**
86 **in this section shall prohibit the issuance of a limited driving privilege for the purpose of**
87 **operating a noncommercial motor vehicle provided that pursuant to the provisions of this**
88 **section, the applicant is not otherwise ineligible for a limited driving privilege.**

89 **(7)** (a) Provided that pursuant to the provisions of this section, the applicant is not
90 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the
91 manner prescribed in this subsection, allow a person who has had such person's license to operate

92 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,
93 as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege
94 pursuant to this subsection if such person has served at least three years of such disqualification
95 or revocation. Such person shall present evidence satisfactory to the court or the director that
96 such person has not been convicted of any offense related to alcohol, controlled substances or
97 drugs during the preceding three years and that the person's habits and conduct show that the
98 person no longer poses a threat to the public safety of this state.

99 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
100 ineligible for a limited driving privilege or convicted of involuntary manslaughter while
101 operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the
102 manner prescribed in this subsection, allow a person who has had such person's license to operate
103 a motor vehicle revoked where that person cannot obtain a new license for a period of five years
104 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of
105 section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person
106 has served at least two years of such disqualification or revocation. Such person shall present
107 evidence satisfactory to the court or the director that such person has not been convicted of any
108 offense related to alcohol, controlled substances or drugs during the preceding two years and that
109 the person's habits and conduct show that the person no longer poses a threat to the public safety
110 of this state. Any person who is denied a license permanently in this state because of an
111 alcohol-related conviction subsequent to a restoration of such person's driving privileges
112 pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege
113 pursuant to the provisions of this subdivision.

114 4. Any person who has received notice of denial of a request of limited driving privilege
115 by the director of revenue may make a request for a review of the director's determination in the
116 circuit court of the county in which the person resides or the county in which is located the
117 person's principal place of business or employment within thirty days of the date of mailing of
118 the notice of denial. Such review shall be based upon the records of the department of revenue
119 and other competent evidence and shall be limited to a review of whether the applicant was
120 statutorily entitled to the limited driving privilege.

121 5. The director of revenue shall promulgate rules and regulations necessary to carry out
122 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
123 536.010, RSMo, that is created under the authority delegated in this section shall become
124 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
125 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
126 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
127 RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently

128 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
129 after August 28, 2001, shall be invalid and void.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial
2 Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and phrases mean:

4 (1) "Alcohol", any substance containing any form of alcohol, including, but not limited
5 to, ethanol, methanol, propanol and isopropanol;

6 (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters
7 of blood or the number of grams of alcohol per two hundred ten liters of breath or the number
8 of grams of alcohol per sixty-seven milliliters of urine;

9 (3) "Commercial driver's instruction permit", a permit issued pursuant to section
10 302.720;

11 (4) "Commercial driver's license", a license issued by this state to an individual which
12 authorizes the individual to operate a commercial motor vehicle;

13 (5) "Commercial driver's license information system", the information system established
14 pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570)
15 to serve as a clearinghouse for locating information related to the licensing and identification of
16 commercial motor vehicle drivers;

17 (6) "Commercial motor vehicle", a motor vehicle designed or used to transport
18 passengers or property:

19 (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or
20 more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand
21 one pounds or more;

22 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more
23 pounds or such lesser rating as determined by federal regulation;

24 (c) If the vehicle is designed to transport [more than fifteen] **sixteen or more** passengers,
25 including the driver; or

26 (d) If the vehicle is transporting hazardous materials and is required to be placarded
27 under the Hazardous Materials Transportation Act (46 U.S.C. 1801 et seq.);

28 (7) "Controlled substance", any substance so classified under section 102(6) of the
29 Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules
30 I through V of 21 CFR part 1308, as they may be revised from time to time;

31 (8) "Conviction", an unvacated adjudication of guilt, or a determination that a person has
32 violated or failed to comply with the law in a court of original jurisdiction or an authorized
33 administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the
34 person's appearance in court, the payment of a fine or court cost, or violation of a condition of

35 release without bail, regardless of whether the penalty is rebated, suspended or prorated;

36 (9) "Director", the director of revenue or his authorized representative;

37 (10) "Disqualification", [a withdrawal of the privilege to drive a commercial motor
38 vehicle] **means any of the following three actions:**

39 (a) **The suspension, revocation, or cancellation of a commercial driver's license;**

40 (b) **Any withdrawal of a person's privileges to drive a commercial motor vehicle**
41 **by a state as the result of a violation of federal, state, county, municipal, or local law**
42 **relating to motor vehicle traffic control or violations committed through the operation of**
43 **motor vehicles, other than parking, vehicle weight or vehicle defect violations;**

44 (c) **A determination by the Federal Motor Carrier Safety Administration that a**
45 **person is not qualified to operate a commercial motor vehicle under 49 CFR, Part 383.52**
46 **or Part 391;**

47 (11) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

48 (12) "Driver", any person who drives, operates, or is in physical control of a
49 [commercial] motor vehicle, or who is required to hold a commercial driver's license;

50 (13) "Driving under the influence of alcohol", the commission of any one or more of the
51 following acts [in a commercial motor vehicle]:

52 (a) Driving a commercial motor vehicle with the alcohol concentration of four
53 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol
54 concentration as may be later determined by the secretary by regulation;

55 (b) Driving **a commercial or noncommercial motor vehicle** while intoxicated in
56 violation of any federal or state law, or in violation of a county or municipal ordinance;

57 (c) Driving **a commercial or noncommercial motor vehicle** with excessive blood
58 alcohol content in violation of any federal or state law, or in violation of a county or municipal
59 ordinance;

60 (d) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section
61 302.750, any federal or state law, or a county or municipal ordinance; or

62 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined
63 in subsection 3 of section 302.525; **provided that any suspension or revocation pursuant to**
64 **section 302.505, committed in a noncommercial vehicle shall have been committed by the**
65 **person with an alcohol-concentration of at least eight-hundredths of one percent or more**
66 **and if committed in a commercial motor vehicle, a concentration of four-hundredths of one**
67 **percent or more;**

68 (14) "Driving under the influence of a controlled substance", the commission of any one
69 or more of the following acts in a commercial **or noncommercial** motor vehicle:

70 (a) Driving a commercial **or noncommercial** motor vehicle while under the influence

71 of any substance so classified under section 102(6) of the Controlled Substances Act (21 U.S.C.
72 802(6)), including any substance listed in schedules I through V of 21 CFR part 1308, as they
73 may be revised from time to time;

74 (b) Driving a commercial **or noncommercial** motor vehicle while in a drugged condition
75 in violation of any federal or state law or in violation of a county or municipal ordinance; or

76 (c) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section
77 302.750, any federal or state law, or a county or municipal ordinance;

78 (15) "Employer", any person, including the United States, a state, or a political
79 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
80 operate such a vehicle;

81 (16) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer
82 used exclusively for the transportation of agricultural products, farm machinery, farm supplies,
83 or a combination of these, within one hundred fifty miles of the farm, other than one which
84 requires placarding for hazardous materials as defined in this section, or used in the operation
85 of a common or contract motor carrier, except that a farm vehicle shall not be a commercial
86 motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand
87 one pounds when transporting fertilizers as defined in subdivision (19) of this subsection;

88 (17) **"Fatality", the death of a person as a result of a motor vehicle accident;**

89 (18) "Felony", any offense under state or federal law that is punishable by death or
90 imprisonment for a term exceeding one year;

91 (19) **"Gross combination weight rating" or "GCWR", the value specified by the**
92 **manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence**
93 **of a value specified by the manufacturer, GCWR shall be determined by adding the**
94 **GVWR of the power unit and the total weight of the towed unit and any load thereon;**

95 [(18)] (20) "Gross vehicle weight rating" or "GVWR", the value specified by the
96 manufacturer [or manufacturers] as the [maximum] loaded weight of a single [or a combination]
97 vehicle[, or registered gross weight, whichever is greater. The GVWR of a combination vehicle,
98 commonly referred to as the "gross combination weight rating" or "GCWR", is the GVWR of
99 the power unit plus the GVWR of the towed unit or units];

100 [(19)] (21) "Hazardous materials", hazardous materials as specified in section 103 of the
101 Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers, including but not
102 limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel
103 or special fuel shall not be considered hazardous materials when transported by a farm vehicle
104 provided all other provisions of this definition are followed;

105 (22) **"Imminent hazard", the existence of a condition that presents a substantial**
106 **likelihood that death, serious illness, severe personal injury, or a substantial endangerment**

107 **to health, property, or the environment may occur before the reasonably foreseeable**
108 **completion date of a formal proceeding begins to lessen the risk of that death, illness,**
109 **injury or endangerment;**

110 ~~[(20)]~~ **(23)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon
111 tracks;

112 **(24) "Noncommercial motor vehicle", a motor vehicle or combination of motor**
113 **vehicles not defined by the term "commercial motor vehicle" in this section;**

114 ~~[(21)]~~ **(25)** "Out of service", a temporary prohibition against the operation of a
115 commercial motor vehicle by a particular driver, or the operation of a particular commercial
116 motor vehicle, or the operation of a particular motor carrier;

117 ~~[(22)]~~ **(26)** "Out-of-service order", a declaration by the Federal Highway Administration,
118 or any authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico,
119 Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a
120 motor carrier operation, is out of service;

121 **(27) "School bus", a commercial motor vehicle used to transport preprimary,**
122 **primary, or secondary school students from home to school, from school to home, or to and**
123 **from school sponsored events. School bus does not include a bus used as a common carrier**
124 **as defined by the secretary;**

125 ~~[(23)]~~ **(28)** "Secretary", the Secretary of Transportation of the United States;

126 ~~[(24)]~~ **(29)** "Serious traffic violation", driving a commercial motor vehicle in such a
127 manner that the driver receives a conviction for **the following offenses or driving a**
128 **noncommercial motor vehicle when the driver receives a conviction for the following**
129 **offenses and the conviction results in the suspension or revocation of the driver's license**
130 **or noncommercial motor vehicle driving privilege:**

131 (a) Excessive speeding, as defined by the secretary by regulation;

132 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,
133 any violation of section 304.016, RSMo, any violation of section 304.010, RSMo, or any other
134 violation of state law, or any county or municipal ordinance while driving a commercial motor
135 vehicle in a willful or wanton disregard for the safety of persons or property, or improper or
136 erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include
137 careless and imprudent driving by excessive speed;

138 (c) A violation of any state law or county or municipal ordinance regulating the operation
139 of motor vehicles arising out of an accident or collision which resulted in death to any person,
140 other than a parking violation; [or]

141 **(d) Driving a commercial motor vehicle without obtaining a commercial driver's**
142 **license;**

143 **(e) Driving a commercial motor vehicle without a commercial driver's license in the**
144 **driver's possession. Any individual who provides proof to the enforcement authority that**
145 **issued the citation, by the date the individual must appear in court or pay any fine for such**
146 **a violation, that the individual held a valid commercial driver's license on the date the**
147 **citation was issued, shall not be guilty of this offense;**

148 **(f) Driving a commercial motor vehicle without the proper commercial driver's**
149 **license class or endorsement for the specific vehicle group being operated or for the**
150 **passengers or type of cargo being transported; or**

151 **[(d)] (g) Any other violation of a state law or county or municipal ordinance regulating**
152 **the operation of motor vehicles, other than a parking violation, as prescribed by the secretary by**
153 **regulation;**

154 **[(25)] (30) "State", a state, [territory or possession] of the United States, including the**
155 **District of Columbia, [the Commonwealth of Puerto Rico, Mexico, and any province of Canada]**
156 **as defined in 49 CFR, part 383, and as may be amended by the secretary;**

157 **[(26)] (31) "United States", the fifty states and the District of Columbia.**

302.725. Any person who drives a commercial motor vehicle without the proper class
2 of license or applicable endorsements valid for the type of vehicle being operated, or a
3 commercial driver's instruction permit, or a receipt which indicates the driver is qualified to drive
4 a commercial motor vehicle, [or while driving privileges are suspended, revoked, or canceled,
5 or while disqualified from operating a commercial motor vehicle,] or who violates license
6 restrictions in any state, **or driving a commercial motor vehicle without a commercial**
7 **driver's license in his or her possession** shall be guilty of a class A misdemeanor. **Any**
8 **individual who provides proof to the enforcement authority that issued the citation, by the**
9 **date the individual must appear in court or pay any fine for such a violation, that the**
10 **individual held a valid commercial driver's license on the date the citation was issued, shall**
11 **not be guilty of this offense.** No court shall suspend the imposition of sentence as to such
12 person nor sentence such person to a fine in lieu of a term of imprisonment, nor shall such person
13 be eligible for parole or probation until he has served a minimum of forty-eight consecutive
14 hours of imprisonment, unless as a condition of such parole or probation, such person performs
15 at least ten days involving at least forty hours of community service under the supervision of the
16 court in those jurisdictions which have a recognized program for community service. Upon
17 receipt of such conviction the director shall [revoke] **disqualify** such person's privilege to drive
18 a commercial motor vehicle [for a period of two years] **pursuant to section 302.755.**

302.726. 1. A person commits the crime of driving a commercial motor vehicle
2 **while revoked if he operates a commercial motor vehicle when, as a result of prior**
3 **violations committed operating a commercial motor vehicle, the driver's commercial driver**

4 license is revoked, suspended, or canceled, or the driver is disqualified from operating a
5 commercial motor vehicle.

6 2. Any person convicted of driving a commercial motor vehicle while revoked is
7 guilty of a class A misdemeanor. Any person with no prior alcohol-related enforcement
8 contacts as defined in section 302.525, convicted a fourth or subsequent time of driving a
9 commercial motor vehicle while revoked or a county or municipal ordinance of driving a
10 commercial motor vehicle while suspended or revoked where the judge in such case was
11 an attorney and the defendant was represented by or waived the right to an attorney in
12 writing, and where the prior three driving a commercial motor vehicle while revoked
13 offenses occurred within ten years of the date of occurrence of the present offense and
14 where the person received and served a sentence of ten days or more on such previous
15 offenses; and any person with a prior alcohol-related enforcement contact as defined in
16 section 302.525, convicted a third or subsequent time of driving a commercial motor vehicle
17 while revoked or a county or municipal ordinance of driving a commercial motor vehicle
18 while suspended or revoked where the judge in such case was an attorney and the
19 defendant was represented by or waived the right to an attorney in writing, and where the
20 prior two driving a commercial motor vehicle while revoked offenses occurred within ten
21 years of the date of occurrence of the present offense and where the person received and
22 served a sentence of ten days or more on such previous offenses is guilty of a class D felony.
23 No court shall suspend the imposition of sentence as to such a person nor sentence such
24 person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for
25 parole or probation until he has served a minimum of forty-eight consecutive hours of
26 imprisonment, unless as a condition of such parole or probation, such person performs at
27 least ten days involving at least forty hours of community service under the supervision of
28 the court in those jurisdictions which have a recognized program for community service.
29 Driving a commercial motor vehicle while revoked is a class D felony on the second or
30 subsequent conviction pursuant to section 577.010, RSMo, or a fourth or subsequent
31 conviction for any other offense.

302.735. 1. The application for a commercial driver's license shall include, but not be
2 limited to, the **applicant's** legal name, mailing and residence address, if different, a physical
3 description of the person, including sex, height, weight and eye color, the person's Social
4 Security number, date of birth and any other information deemed appropriate by the director.
5 **The application shall also require the applicant to provide the names of all states where the**
6 **applicant has been previously licensed to drive any type of motor vehicle during the**
7 **preceding ten years.**

8 2. The application for a commercial driver's license or renewal shall be accompanied by

9 the payment of a fee of forty dollars. The fee for a duplicate commercial driver's license shall
10 be twenty dollars. A commercial driver's license shall expire on the applicant's birthday in the
11 sixth year after issuance and must be renewed on or before the date of expiration. The director
12 shall have the authority to stagger the issuance or renewal of commercial driver's license
13 applicants over a six-year period. When a person changes such person's name an application for
14 a duplicate license shall be made to the director of revenue. When a person changes such
15 person's mailing address or residence the applicant shall notify the director of revenue of said
16 change, however, no application for a duplicate license is required. To all applicants for a
17 commercial license or renewal who are between eighteen and twenty-one years of age and
18 seventy years of age and older, the application shall be accompanied by a fee of twenty dollars.
19 A commercial license issued pursuant to an applicant less than twenty-one years of age and
20 seventy years of age and older shall expire on the applicant's birthday in the third year after
21 issuance.

22 3. Within thirty days after moving to this state, the holder of a commercial driver's
23 license shall apply for a commercial driver's license in this state. The applicant shall meet all
24 other requirements of sections 302.700 to 302.780, except that the director may waive the driving
25 test for a commercial driver's license as required in section 302.720 if the applicant for a
26 commercial driver's license has a valid commercial driver's license from a state which has
27 requirements for issuance of such license comparable to those in this state.

28 4. Any person who falsifies any information in an application or test for a commercial
29 driver's license shall not be licensed to operate a commercial motor vehicle, or the person's
30 commercial driver's license shall be canceled, for a period of one year after the director discovers
31 such falsification.

302.740. 1. The commercial driver's license shall be manufactured of materials and
2 processes that will prohibit as nearly as possible, the ability to reproduce, alter, counterfeit, forge,
3 or duplicate any license without ready detection. Such license shall include, but not be limited
4 to, the following information: a colored photograph of the person, the legal name and address
5 of the person, a physical description of the person, including sex, height, weight and eye color,
6 the person's Social Security number or such other number or identifier deemed appropriate by
7 the director or the secretary, the date of birth, class or type of commercial motor vehicle or
8 vehicles which the person is authorized to drive, the name of this state, and the words
9 "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates of issuance and expiration, the
10 person's signature and such other information as the director prescribes.

11 2. Before issuing a commercial driver's license, the director shall obtain driving record
12 information from sources including, but not limited to, the national driver's register [or] the
13 commercial driver's license information system [of], **and any state driver's licensing system in**

14 which the person has been licensed; **except that the director shall only be required to obtain**
15 **the complete driving record from each state the person has ever been licensed in when such**
16 **person is issued an initial commercial driver's license or renews his or her commercial**
17 **driver's license for the first time. The director shall maintain a notation in the driving**
18 **record system of the date when he or she has obtained the driving records from all states**
19 **which the person has been licensed.**

20 3. Within ten days after issuing a commercial driver's license, the director shall notify
21 the commercial driver's license information system of such fact, providing all information
22 required to ensure identification of the person. For the purpose of this subsection, the date of
23 issuance shall be the date the commercial driver's license is mailed to the applicant.

24 4. The commercial driver's license shall indicate the class of vehicle the person may
25 drive and any applicable endorsements or restrictions. Commercial driver's license
26 classifications, endorsements and restrictions shall be in compliance with the Commercial Motor
27 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) and those prescribed by the director.
28 **The commercial driver's license driving record shall contain a complete history of the**
29 **driver, including information and convictions from previous states of licensure.**

302.755. 1. A person is disqualified from driving a commercial motor vehicle for a
2 period of not less than one year if convicted of a first violation of:

3 (1) Driving a [commercial] motor vehicle under the influence of alcohol or a controlled
4 substance;

5 **(2) Driving a commercial motor vehicle which causes a fatality through the**
6 **negligent operation of the commercial motor vehicle, including but not limited to the**
7 **crimes of vehicular manslaughter, homicide by motor vehicle and negligent homicide;**

8 **(3) Driving a commercial motor vehicle while revoked pursuant to section 302.726;**

9 ~~[(2)]~~ **(4) Leaving the scene of an accident involving a commercial or noncommercial**
10 **motor vehicle operated by the person;**

11 ~~[(3)]~~ **(5) Using a commercial or noncommercial motor vehicle in the commission of any**
12 **felony, as defined in section 302.700, except a felony as provided in subsection 4 of this**
13 **section.**

14 2. If any of the violations described in subsection 1 of this section occur while
15 transporting a hazardous material the person is disqualified for a period of not less than three
16 years.

17 3. Any person is disqualified from operating a commercial motor vehicle for life if
18 convicted of two or more violations of any of the offenses specified in subsection 1 of this
19 section, or any combination of those offenses, arising from two or more separate incidents. The
20 director may issue rules and regulations, in accordance with guidelines established by the

21 secretary, under which a disqualification for life under this section may be reduced to a period
22 of not less than ten years.

23 4. Any person is disqualified from driving a commercial motor vehicle for life who uses
24 a commercial **or noncommercial** motor vehicle in the commission of any felony involving the
25 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to
26 manufacture, distribute, or dispense a controlled substance.

27 5. Any person is disqualified from operating a commercial motor vehicle for a period
28 of not less than sixty days if convicted of two serious traffic violations or one hundred twenty
29 days if convicted of three serious traffic violations, [committed in a commercial motor vehicle]
30 arising from separate incidents occurring within a three-year period.

31 6. Any person found to be operating a commercial motor vehicle while having any
32 measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour
33 out-of-service order by a law enforcement officer in this state.

34 7. Any person who is convicted of operating a commercial motor vehicle during a
35 continuous twenty-four-hour period beginning at the time of issuance of the out-of-service order
36 is guilty of a class A misdemeanor.

37 8. Any person convicted for the first time of driving while out of service shall be
38 disqualified from driving a commercial motor vehicle for a period of ninety days.

39 9. Any person convicted of driving while out of service on a second occasion during any
40 ten-year period, involving separate incidents, shall be disqualified for a period of one year.

41 10. Any person convicted of driving while out of service on a third or subsequent
42 occasion during any ten-year period, involving separate incidents, shall be disqualified for a
43 period of three years.

44 11. Any person convicted of a first violation of an out-of-service order while transporting
45 hazardous materials or while operating a motor vehicle designed to transport more than fifteen
46 passengers, including the driver, is disqualified for a period of one hundred eighty days.

47 12. Any person convicted of any subsequent violation of an out-of-service order in a
48 separate incident within ten years after a previous violation, while transporting hazardous
49 materials or while operating a motor vehicle designed to transport fifteen passengers, including
50 the driver, is disqualified for a period of three years.

51 13. Any person convicted of any other offense as specified by regulations promulgated
52 by the Secretary of Transportation shall be disqualified in accordance with such regulations.

53 14. After suspending, revoking, canceling or disqualifying a driver, the director shall
54 update records to reflect such action and notify a nonresident's licensing authority and the
55 commercial driver's license information system within ten days **in the manner prescribed in**
56 **49 CFR, part 384, or as amended by the secretary.**

57 15. Any person disqualified from operating a commercial motor vehicle pursuant to
58 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license canceled, and
59 upon conclusion of the period of disqualification shall take the written and driving tests and meet
60 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation
61 shall not be withdrawn by the director until such person reapplies for a commercial driver's
62 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

63 **16. The director shall disqualify a driver upon receipt of notification that the**
64 **secretary has determined a driver to be an imminent hazard pursuant to 49 CFR, part**
65 **383.52. Due process of a disqualification determined by the secretary pursuant to this**
66 **section shall be held in accordance with regulations promulgated by the secretary. The**
67 **period of disqualification determined by the secretary pursuant to this section shall be**
68 **served concurrently to any other period of disqualification which may be imposed by the**
69 **director pursuant to this section. Both disqualifications shall appear on the driving record**
70 **of the driver.**

 302.756. 1. Notwithstanding any other provision of law to the contrary, any driver who
2 violates or fails to comply with an out-of-service order is subject to a civil penalty of [one
3 thousand dollars] **not to exceed an amount as determined by the secretary pursuant to 49**
4 **CFR, part 383, or as amended by the secretary**, in addition to disqualification as provided by
5 law. Any civil penalty established in this section shall not become effective and enforced until
6 October 1, 1996.

7 2. Any employer who violates an out-of-service order, or who knowingly requires or
8 permits a driver to violate or fail to comply with an out-of-service order, is subject to a civil
9 penalty of two thousand five hundred dollars.

10 3. The [general] **chief** counsel to the [division of motor carrier and railroad safety within
11 the department of economic development] **state highways and transportation commission**
12 shall bring an action in accordance with the procedures under section 390.156, RSMo, to recover
13 a civil penalty under this section against a driver who violates or fails to comply with an
14 out-of-service order, or against an employer who violates an out-of-service order or knowingly
15 requires or permits a driver to violate or fail to comply with an out-of-service order, or both.

16 4. In addition to any other remedies under this section, actions under this section may
17 be brought against a driver or employer who violates or fails to comply with an out-of-service
18 order with reference to a motor vehicle or combination of motor vehicles used in intrastate
19 commerce which has a capacity of more than five passengers, excluding the driver.

 302.760. Within ten days after conviction, suspension, revocation, cancellation or
2 disqualification of any nonresident holder of a commercial driver's license **or any nonresident**
3 **who is required to possess a commercial driver's license** for any violation committed in a

4 [commercial motor] vehicle of state law or any county or municipal ordinance regulating the
5 operation of motor vehicles, other than parking violations, the director shall notify the driver's
6 licensing authority in the licensing state of such action **in the manner as prescribed in 49 CFR,**
7 **part 384, or as amended by the secretary.**

577.054. 1. After a period of not less than ten years, an individual who has pleaded
2 guilty or has been convicted for a first alcohol-related driving offense which is a misdemeanor
3 or a county or city ordinance violation and which is not a conviction for driving a commercial
4 motor vehicle while under the influence of alcohol and who since such date has not been
5 convicted of any other alcohol-related driving offense may apply to the court in which he pled
6 guilty or was sentenced for an order to expunge from all official records all recordations of his
7 arrest, plea, trial or conviction. If the court determines, after hearing, that such person has not
8 been convicted of any alcohol-related driving offense in the ten years prior to the date of the
9 application for expungement, and has no other alcohol-related enforcement contacts as defined
10 in section 302.525, RSMo, during that ten-year period, the court shall enter an order of
11 expungement. The effect of such order shall be to restore such person to the status he occupied
12 prior to such arrest, plea or conviction and as if such event had never taken place. No person as
13 to whom such order has been entered shall be held thereafter under any provision of any law to
14 be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or
15 acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made
16 of him for any purpose whatsoever and no such inquiry shall be made for information relating
17 to an expungement under this section. A person shall only be entitled to one expungement
18 pursuant to this section. Nothing contained in this section shall prevent the director from
19 maintaining such records as to ensure that an individual receives only one expungement pursuant
20 to this section for the purpose of informing the proper authorities of the contents of any record
21 maintained pursuant to this section.

22 **2. The provisions of this section shall not apply to any individual who has been**
23 **issued a commercial driver's license or is required to possess a commercial driver's license**
24 **issued by this state or any other state.**

Section 1. 1. Notwithstanding any provisions of section 302.272, RSMo, to the
2 **contrary, any individual who operates a school bus as that term is defined in 49 CFR, Part**
3 **383, Section 383.5, shall meet the requirements for and be issued a school bus endorsement**
4 **as required by the secretary pursuant to 49 CFR, Part 383, Section 383.123.**

5 **2. The director is authorized to promulgate any rules and regulations necessary to**
6 **carry out the provisions of this section. No rule or portion of a rule promulgated pursuant**
7 **to the authority of this section shall become effective unless it has been promulgated**
8 **pursuant to the provisions of chapter 536, RSMo.**

Section 2. Notwithstanding any other provisions of law to the contrary, no federal, state, county, municipal, or local court shall defer imposition of judgment, suspend imposition of sentence, or allow an individual who possesses a commercial driver's license or is required to possess a commercial driver's license issued pursuant to chapter 302, RSMo, or the laws of another state, to enter into a diversion program that would prevent a conviction for any violation, in any type of motor vehicle, of a federal, state, county, municipal, or local traffic control law from appearing on the driver's record maintained by the director of revenue.

Section 3. The director of revenue shall adopt the materials incorporated by reference and record keeping requirements as prescribed in 49 CFR, part 384, or as amended by the secretary.

Section B. The repeal and reenactment of sections 302.225, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, and 577.054, and the enactment of sections 302.726, 1, 2, and 3 of section A of this act shall become effective September 30, 2005.